



Delhi Medical Council

368, 3rd Floor, Pathology Block,
Maulana Azad Medical College,
Bahadur Shah Zafar Marg,
New Delhi-110002

DMC/14/2/Comp.158/2005/

20th May, 2005

Shri Nakul Berry
A-291, Prashant Vihar,
Delhi - 110 085

Complainant

Vs.

1) Medical Superintendent,
Jaipur Golden Hospital
2, Institutional Area, Rohini
New Delhi - 110 085

Respondents

2) Dr. Kuldeep Khanna
Through Medical Superintendent
Jaipur Golden Hospital
2, Institutional Area, Rohini
New Delhi - 110 085

3) Dr. Pradeep Agarwal
Through Medical Superintendent
Jaipur Golden Hospital
2, Institutional Area, Rohini
New Delhi - 110 085

ORDER

The Delhi Medical Council examined a complaint of Shri Nakul Berry, alleging medical negligence on the part of Respondent 1 to 3 in the treatment administered to complainant's newborn baby at Jaipur Golden Hospital, resulting in her death on 22.6.2004. The following were examined in person alongwith the complaint, replies of respondent 1 to 3 and case papers of Jaipur Golden Hospital :-

- Shri Nakul Berry
- Dr. Kuldeep Khanna, Jaipur Golden Hospital
- Dr. Pradeep Agarwal, Jaipur Golden Hospital
- Dr. Girish Chandra, Medical Superintendent, Jaipur Golden Hospital

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Briefly stated the facts of the case are that the complainant's wife Smt. Preeti Berry delivered a female baby through a cesarean section on 20.6.2004. The general condition of the baby was normal, however, she was reported to be jittery with bouts of shivering, her hands and feet were found to be cold on touch. She accepted the breast feed on 21.6.2004 but was reported to be still jittery. On 22.6.2004 at 2.50 AM the baby was found to be not breathing, efforts to resuscitate failed and the child was declared dead at 3.40 AM (22.6.2004), the cause of death as per the death summary being sudden infant death syndrome.

The complainant in his submissions before the Delhi Medical Council alleged that since the child was jittery and having bluishness, she should have been examined thoroughly and the symptoms should not have been ignored by the respondents, the same constitutes an act of medical negligence. The respondents 1 to 3 in their replies maintained that since the baby was exhibiting signs of a normal child viz., passing urine, accepting breast feed, maintained temperature albeit experiencing jitteriness, there was no indication for any aggressive/intensive treatment. The Respondent No. 2 in his submission before the Delhi Medical Council admitted that even though on 20.6.2004 the baby did have some bluishness, the same subsequently disappeared. Her blood sugar was normal. It is observed that there is no record of child being ever reported to be bluish in the case papers of the hospital.

The complainant on questioning admitted that after the death of the baby, the family was advised post mortem by the hospital authorities but the same was refused. It is observed that this has not been documented in the hospital record. The Medical Superintendent, Jaipur Golden Hospital on questioning stated that in case of unexpected deaths, the hospital does advise post mortem but the same is done only with the consent of the relatives.

In view of the above, it is the decision of the Delhi Medical Council that :-

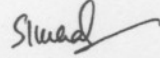
1. In absence of post mortem, the only probable cause of death in this case, as determined in the death summary, could have been sudden infant death syndrome, which though rare, is a known cause of infant mortality.

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2. The condition of the baby as documented in the hospital records and stated by the respondents 1 to 3 in their replies, under the circumstances, did not warrant any aggressive/intensive treatment. The new born baby was examined regularly by the treating doctors. The death of the baby was sudden with no clear indicators of serious illness.
3. The line of treatment adopted by respondents 1 to 3 in the management of this case was in accordance with the accepted professional practice. The chain of events, which led to the demise of the newborn baby, can only be termed as unfortunate and not negligent.

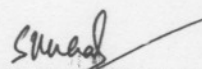
Complaint stands disposed.

By the order of and in the name of
Delhi Medical Council


(Dr. S.K. Khattri)
Secretary

Copy to :-

- 1) Shri Nakul Berry, A-291, Prashant Vihar, Delhi - 110 085 - 13764
- 2) Medical Superintendent, Jaipur Golden Hospital, 2, Institutional Area, Rohini, New Delhi - 110 085 - 13764-I
- 3) Dr. Kuldeep Khanna, Through Medical Superintendent, Jaipur Golden Hospital, 2, Institutional Area, Rohini, New Delhi - 110 085 - 13765
- 4) Dr. Pradeep Agarwal, Through Medical Superintendent, Jaipur Golden Hospital 2, Institutional Area, Rohini, New Delhi - 110 085 - 13766
- 5) Medical Superintendent Nursing Homes, Directorate of Health Services, Govt. of NCT of Delhi, Swasthaya Sewa Nideshalay Bhawan, F-17, Karkardooma, Delhi - 110 032. With reference to letter No. F.23/71/04/DHS/NH/21996 dated 15th July, 2004. - 13801


(Dr. S.K. Khattri)
Secretary